

**LEON COUNTY
GROWTH AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT REVIEW COMMITTEE STAFF REPORT**

STAFF RECOMMENDATION: *APPROVAL WITH CONDITIONS*

PROJECT NAME: Life Eternal Ministries Church (LSP030054)

PROPERTY OWNER: Ken Richardson
1049 Winfield Forest Drive
Tallahassee, Florida 32311
(850) 414-4192

APPLICANT: Ken Richardson
1049 Winfield Forest Drive
Tallahassee, Florida 32311
(850) 414-4192

AGENT: DEC Engineering, Inc.
2467 Centerville Road
Tallahassee, FL 32308
(850) 385-5288

SUMMARY OF THE APPLICATION:

The applicant proposes to develop a church on a 3.0 acre parcel located on the south side of Buck Lake Road, east of Old Dirt Road and west of Ellis Road in Township 1 North, Range 2 East, Section 29. The church will consist of a single 4,275 square foot building, a 26 space parking lot, with a partially paved and gravel driveway access to Buck Lake Road and two on-site retention basins. An off-site drainage easement and drainage improvements within Buck Lake Road will also be constructed as part of the site plan. Portions of the site will also be retained as natural area to be included in a conservation easement

Utility Service Plan. Electricity will be provided by Talquin Co-operative. Sewage treatment will be by a septic tank and water will be provided by an on-site well.

DATE OF DRC MEETING: December 1, 2004

DATE OF PRE-APP: None (Project began as a Type A review)

DATE OF TECHNICAL
STAFF REVIEW:

December 17, 2003

STAFF PLANNER:

William D. McCord, AICP, Development Services
Administrator

TAX ID#:

12-29-20-031-0000

PARCEL SIZE:

3.0 acres

LOCATION:

The proposed church will be located on the south side of Buck Lake Road, east of Old Dirt Road and west of Ellis Road in Township 1 North, Range 2 East, Section 29, parcel 031.

ROADWAY ACCESS:

Buck Lake Road (major collector)

ZONING DISTRICT:

RP (Residential Preservation) district

FUTURE LAND USE:

Urban Fringe w/ Residential Preservation overlay

INSIDE/OUTSIDE
URBAN SERVICES AREA:

Outside

ZONING PATTERN:

North: R-P (Residential Preservation)
South: R-P (Residential Preservation)
East: R-P (Residential Preservation)
West: R-P (Residential Preservation)

ADJOINING EXISTING
LAND USES:

North: vacant parcels on the north side of Buck Lake Road
East: Single family residential
West: Single family residential
South: vacant parcel

PERMITTED USE
VERIFICATION:

A Permitted Use Verification Certificate was issued on December 9, 2003 (VC990110R) (Attachment #1)

Growth and Environmental Management Department Staff Findings: The staff is generally responsible for reviewing site plan application to ensure that the application meets the applicable requirements set forth in the Environmental Compliance, Zoning,

Site Plan, Subdivision Regulations, and other Articles of Chapter 10 of the Leon County Code of Laws. Pursuant to the review criteria identified in Sections 10-954 and Section 10-1479.1, Type "C" Review, the Growth and Environmental Management Department findings are as follows (*Specific findings listed in italics*):

Comprehensive Plan Issues and Specific Applicable Policies:

The proposed development is located in the Residential Preservation Overlay of the Urban Fringe land use category described in the Future Land Use Element (FLUE) of the Comprehensive Plan, which is

"characterized by existing homogeneous residential area within the community which are predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions".

"It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses (FLUE, pg. I-3)." "For Residential areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category."

The development site is located outside the Urban Service Area (USA) (page I-7). Since the site is outside the USA sanitary sewer will not be available to the site.

The proposed plan of development shall include:

- Protection of conservation and preservation features,
- Compatibility with adjacent existing and future residential land uses,
- Access to transportation facilities in keeping with their intended functions, and
- The availability of infrastructure.

Furthermore, in order to comply with the FLUE, the development plan shall comply with growth management policies, environmental constraints, level of service standards, adopted land development regulations, residential preservation land use restrictions and requirements, and, in the case of the proposed project, meet special exception (Ordinance 03-21) development criteria. Commercial Site Location Standards do not apply to Community Service facilities. The plan shall also comply with other elements of the Comprehensive Plan.

Findings: The proposed church will provide a community service facility to the immediate neighborhood. The proposed community service facility is consistent with policies in the Comprehensive Plan, provides "compatibility with adjacent existing and future residential uses" that protects "conservation and preservation features", provides sufficient "access to transportation facilities in keeping with their intended function", and provides necessary infrastructure (Page I-4). The plan of development incorporates

a design that includes provisions for a conservation easement and treating all stormwater on-site in compliance with adopted standards.

Finding: The proposed site plan is consistent with the Comprehensive Plan and specifically with the Future Land Use Element, Objective 1.1, policy 1.1.8; Objective 1.2, policy 1.2.1 and 1.2.2; Objective 1.3, policies 1.3.1 and 1.3.2; Objective 1.4, policies 1.4.1, 1.4.2, 1.4.5(d), 1.4.7, 1.4.8, 1.4.11, 1.4.12 and 1.4.20; Objective 2.1, policies 2.1.1(f), and Objective 3.1, policies 3.1.1; the Transportation Element, Objective 1.3, policy 1.3.1; ; Objective 1.5, policies 1.5.4, 1.5.5, 1.5.7, 1.5.10 and 1.5.15; Objective 1.6, policies 1.6.3 and 1.6.6; the Utilities Element, Stormwater sub-element, Objective 1.1, policies 1.1.3, 1.1.4 and 1.1.5, Objective 1.2, policies 1.2.1; Objective 2.1, policy 2.1.3, Objective 1.5, policy 1.5.1, 1.5.2, the Potable Water sub-element, Objective 1.2, policy 1.2.3; the Sanitary Sewer sub-element, Objective 1.1, policy 1.1.1, Objective 1.2, policy 1.2.1, Objective 1.3, policy 1.3.1; and Objective 3.1, policy 3.1.7; and the Conservation Element, Objective 1.1, policy 1.1.1, Objective 2.1, policies 2.1.1, 2.1.3, 2.1.4; Objective 3.1, policy 3.1.3, Objective 3.3, policies 3.3.1, 3.3.3, 3.3.4 and 3.3.5; and Objective 4.2, policy 4.2.1.

More specific descriptions are noted in the Planning Department report (Attachment #2).

Concurrency (Section 10-140):

A Preliminary Certificate of Concurrency for the proposed church was issued on November 29, 2004 (Attachment #3). A Final Certificate of Concurrency will be issued upon approval of this Type "C" site and development plan.

Finding: The proposed church complies with adopted concurrency standards consistent with the Future Land Use Element Objective 1.3, policies 1.3.1 and 1.3.2.

Article VII. Environmental Management.

Division 2. Stormwater Management

Stormwater generated by the new impervious surfaces created by the development shall be treated in compliance with standards adopted in the land development regulations.

Finding: Two on-site retention ponds (Stormwater ponds) will be constructed on the property to provide volume and rate treatment prior to discharging off site. A drainage easement will be provided from the site across an adjacent parcel to access a public drainage facility within the Ellis Road right-of-way consistent with the Utilities Element Stormwater Management Sub-Element, Objective 1.2, policy 1.2.1 and Objective 1.5, policy 1.5.1 and 1.5.2 (also see findings listed below).

Topographic Alterations (Section 10-207):

Code requires that significant and severe slopes be protected to control erosion and minimize alterations to select natural topography in the county.

Finding: The site is now gradually slopes to the south and southeast but does not contain significant or severe slopes. No significant terrain alterations are proposed with the exception of the excavations for the retention ponds and a minor drainage alteration to direct stormwater to the southeastwardly portion of the site. A total of .49 acres or 16.22% of the site will consist of impervious surfaces. This standard complies with the Future Land Use Element, Objective 1.2, policy 1.2.1 and 1.2.2 and the Utilities Element Stormwater sub-element, Objective 1.1, policy 1.1.4.

Stormwater Management Facilities (Section 10-208):

The design, construction and operation of stormwater systems shall be consistent with adopted minimum standards.

Findings: Two formal stormwater ponds are proposed as indicated above. These ponds will be owned and maintained by the church, and will provide water treatment for the impervious surfaces on the lot. Off-site stormwater drainage from Buck Lake Road will be diverted into a ditch to be constructed along Buck Lake Road between the site and Ellis Road where an improved drainage system exists. Sufficient stormwater retention will be provided within the two on-site retention ponds. These ponds will encompass 0.56 acres (18.58%) of the 3 acre site. This is consistent with the Utilities Element, Stormwater sub-element, Objective 1.1, policies 1.1.5, Objective 1.2, Objective 1.5, policy 1.5.2 and the Conservation Element Objective 2.1, policies 2.1.1, 2.1.3 and 2.1.4.

(Also see Environmental Compliance comments.)

Stormwater Easements (Section 10-209):

If a newly concentrated flow of stormwater is discharged off-site into any conveyance other than a public drainage conveyance, or an approved watercourse, and adequate easement shall be obtained for the off-site conveyance. (Also see attachment #4)

Findings: To more efficiently convey stormwater from the site an off-site conveyance easement across the property to the east is proposed. This will convey stormwater from the site to a publicly maintained conveyance within Ellis Road consistent with this section of code and the Utilities Element, Stormwater sub-element, Objective 1.5 and objective 2.1, policy 2.1.3. Approval of a formal easement is required from the adjacent property owner and a connection permit is required from the county.

Division 3. Landscaping

Landscaping and Natural Area Standards (Sections 10-242, 10-257, 10-258, & 10-260):

For non-residential projects, landscape development plans are required which includes minimum natural area, landscape areas and landscape development plans within development sites. A minimum of 25 percent of a development site shall consist of natural area landscaping. Perimeter landscaping is required on each lot boundary and a buffer is required along the east, west and south boundaries of the church property.

Interior landscaping within the parking lot is also required. Also, please refer to any comments from the Environmental Compliance Division.

Finding: The plan proposes 0.81 acres of natural area (26.91% of total site) including a sizeable along the southerly portion and the northwest portion of the site. Additional landscaping area will be provided in the front yard along the retention basins and within side and rear yards. A Type "B" buffer will be provided along the east, west and south boundaries of the church property. This landscaping is consistent with the Future Land Use Element Objective 2.1, Objective 3.1, policy 3.1.1, and the Conservation Element, Objective 3.3, policies 3.3.1, 3.3.4, and 3.3.5.

Division 4. Tree Protection.

Protected Trees (Section 10-292):

Code requires that a development site include the preservation of existing trees in new developments.

Finding: A tree survey was provided with the plan set (Sheet 1 of 6). The property contains mostly a mix of smaller hardwoods intermixed with pines. Most trees are between six and twenty inches in diameter but the property contains no patriarch trees. Many of the larger trees are located in an area which will be preserved. These wooded areas to be preserved through a conservation easement will also form much of the required Type "B" buffer between the development site and adjacent developed single family uses. This is consistent with the Conservation Element Objective 3.3, policies 3.3.1 and 3.3.4.

Tree Protection Requirements (Section 10-293):

Trees within the proposed conservation area require protection.

Finding: Existing trees within the proposed conservation easement will be preserved and protected. In addition, other trees on the periphery of the site, in portions of the front yard, and within the required buffer areas will be preserved consistent with the Conservation Element Objective 3.3, policies 3.3.1 and 3.3.4.

Division 7. Environmental Analysis Reviews.

Pre-Development Reviews (Section 10-346).

Every required application for site and development plan approval shall be accompanied by an environmental analysis which shall become, upon approval, part of the final development approval.

Findings: A Natural Features Inventory was approved by Environmental Compliance on October 17, 2003 and an Environmental Impact Assessment was approved on November 10, 2004 consistent with code and the Conservation Element Objective 1.1, policy 1.1.1 and Objective 3.1, policy 3.1.3.

Article X. Zoning.

Division 5. Residential Preservation Zoning District (Section 10-920) and Division 9. Allowable Uses and Applicable Development and Locational Standards (Section 10-1210):

The subject parcel is located in the Urban Fringe with a Residential Preservation Overlay Future Land Use category and the RP (Residential Preservation) zoning district. A church is permitted as a special exception within the community services development and locational standards per Section 10-920 (b) (4), Section 10-1210 and Section 10-954 (also see below).

There are no specific minimum lot sizes or specifically identified setbacks within the RP zoning district. At the time of pre-application review the applicant was advised to apply the Urban Fringe zoning setbacks to the site. The applicant proposes the following development standards for the site.

	<u>Building</u>	<u>Parking</u>
Front Setback	30'	40'
Side Setback	40'	40'
Rear Setback	50'	50'
Building Height	35'	
Maximum	45'	

Other development standards require at least a minimum buildable area lot size when sanitary sewer is not available. The 3.0 acre minimum lot size complies with Urban Fringe zoning standards and exceeds the minimum lot size required when sanitary sewer is not available.

Finding: The site and development plan complies with the minimum development standards of Section 10-1210, Section 10-954 and Section 10-1104. The three acre parcel provides sufficient land area to accommodate the proposed use and provide necessary parking and environmental mitigation and design features to not adversely impact adjacent properties and uses. County Commission approval of the special exception use is required per Section 10-954 (3), Leon County Land Development Code.

Buffer Zone Standards (Section 10-923):

A Type "B" buffer is required when a non-residential use development abuts single family uses. The Type B buffer will consist of .35 acres of the 3.0 acre parcel.

Finding: A Type "B" buffer will be provided on the east, west and south boundaries of the site compliant with Section 10-923 and consistent with the Future Land Use Element Objective 2.1, Objective 3.1, policy 3.1.1, and the Conservation Element, Objective 3.3, policies 3.3.1, 3.3.4, and 3.3.5.

Division 6. Special Regulatory Districts.
Special Exception Uses (Section 10-954):

This particular special exception (community service) use is not regulated by Division 8, therefore, the plan shall comply with five separate design and performance standards

listed in Section 10-954 (b) and Section 10-1104 and must be approved by the Board of County Commissioners.

Finding: The plan will be reviewed by the Board of County Commissioners after review and recommendation by the Development Review Committee. The site plan contains design features that comply with the requirements of Section 10-954 (2) a- e, and Section 10-1104(a)-(f), Chapter 10, Article X, Division, Leon County Land Development Code.

Conservation/Preservation Area (Sections 10-953, 973, & 974):

The proposed development must comply with all applicable regulations pertaining to conservation and/or preservation areas (Article VII of the Leon County Land Development Code, and the Conservation and Land Use Element of the 2010 Comprehensive Plan) if the environmental analysis identifies any preservation and/or conservation areas on the subject parcel. The site and development plan must clearly indicate significant environmental features or constraints located on or adjacent to the subject property and ensure that the proposed site and development plan accommodates these features. Please also refer to any comments from the Environmental Compliance Division.

Finding: A Natural Features Inventory and Environmental Impact Analysis for the project has been reviewed and approved by the Environmental Compliance Division. The proposed plan includes the preservation of two areas as conservation areas. Stormwater treatment systems would be designed to accommodate stormwater generated by the development. Trees will be preserved within the site within the conservation area within yard areas not within conservation areas and within buffer and will supplemented with additional plantings within the Type B buffer. This complies with the Future Land Use Element Objective 1.1, policy 1.1.8, Objective 1.2, policy 1.2.2. (Also see comments above and from Environmental Compliance in Attachment #4.)

Division 7. Parking and Loading Requirements:

Required Parking (Section 10-1028):

A minimum of 25 parking spaces are required for a 4275 square foot church. At least one handicapped space is required and three bicycle parking spaces are required.

Finding: The proposed plan of development will include 25 regular parking spaces, one handicapped parking space and three bicycle parking spaces. These typical parking designs comply with the design requirements of code and with the Transportation Element, Objective 1.5, policies 1.5.5 and 1.5.15.

Division 8. Supplementary District Regulations.

Accessory Structures (Section 10-1102):

Accessory structures must be located at least seven and one half feet from the property line, and a minimum of six feet from any other structure. They may not be located in a buffer or landscape area, or in the front or side corner yard. Any proposed accessory structures must be shown on the concept development plan and shall be included in all

calculations of pervious and impervious areas. No accessory structures are proposed for this site and development plan. Accessory structures for individual lots will be addressed at permitting.

Finding: No specific accessory structures are proposed with the church. Individual accessory structures may be erected at a later date in compliance with code.

Community Services and facilities/institutional uses (Section 10-1104).

Every new use of development of land to be utilized as a community service or facility/institutional use shall require site plan approval before development activities may be permitted to ensure compatibility with surrounding uses and activities and to ensure that the facilities or structures are designed to minimize negative impacts upon surrounding properties and to ensure that the use and site shall be consistent with the Comprehensive Plan.

Findings: The church will fulfill a social need in the community and in particular in this portion of the county by providing a church to service the area populations and will be development consistent with other development policies established in the comprehensive plan. The area where the church is proposed has seen growth in population necessitating the use to serve the area population and future growth. The site is sufficient for the size facility proposed and applies building setbacks generally applied in much less intensely developed areas. Based on the size of the building sufficient parking will be provided per code. The site is designed to provide buffers, stormwater treatment and conveyance, and the protection of significant natural areas without adversely affecting adjacent uses. The use will not contribute to urban sprawl since no sewer service will be extended to the site and the size of and intensity of the particular use will not differ from other structures and similar uses in the area. An environmental analysis per code has been completed on the site. The site plan identifies the location of all uses and structures, building heights and other dimensions, setbacks, visual screens, access ways, vehicle parking and circulation, stormwater drainage facilities and improvements, abutting properties and uses/zoning as required by Section 10-1104 (a)-(f). The plan has been reviewed in accordance with Section 10-1477.

Special Roadway Setbacks (Section 10-1107):

Limitations are placed on certain lots to restrict access to the more heavily used through streets adjacent to the development site. No special roadway setbacks are required along the adjacent roadways.

Finding: The site will contain a single driveway to/from Buck Lake Road. The building and other improvements will setback at least 100 feet from the Buck Lake road right-of-way. This also complies with the Transportation Element Objective 1.3, policy 1.3.1. Improvements to the drainage system within Buck Lake Road will be made as a result of the proposed site plan.

Article XI. Subdivision and Site and Development Plan Regulations.

Division 1. Generally.

Compliance and Consistency with Comprehensive Plan (Section 10-1407 and 10-1408):

All development shall be designed and constructed to comply with County regulations, state statutes and the Comprehensive Plan. These consistency requirements are specifically listed in Section 10-1408 (a)-(c) and (e). All development on the site shall comply with the County's land development regulations as described in Section 10-1407.

Finding: The proposed subdivision will comply with the procedural and design requirements of the County land development process and the Comprehensive Plan with the conditions of approval listed at the end of this report and, in particular, with the Future Land Use Element Objective 1.4, policies 1.4.1. and 1.4.2.

Division 4. Procedure for Review and Approval of Site and Development Plans.
Permitted Use Verification (Section 10-1477):

Refer to Permitted Use Verification Certificate VC990110RR. The certificate indicates that the parcel requires a Type "C" review (Attachment #1).

Finding: The plan of development submitted complies with the directive of the PUV Certificate.

Type "C" Review (Section 10-1479.1):

The church is required to undergo a Type "C" review since Section 10-1210 requires special exception review, consistent with Section 10-954, for churches located in the RP zoning district. The deficiencies included in this report and in the reports of the other members of the Technical Review Staff must be addressed and, where appropriate, made conditions of approval. After DRC review and recommendation the plan shall be referred to the Board of County Commissioners for final approval.

Finding: Staff has provided the code required public notification for this Type C review and has determined that the application is sufficiently complete at the required level of detail to recommend approval with conditions. Deficiencies or issues of concerns are listed as conditions of approval to be addressed by the DRC.

Site and Development Plan Review Process, Article XI, Section 10-1481:

All Type "C" site and development plans shall contain specific submittal requirements and all plans shall include information describing in detail certain design aspects on plan sheets.

Finding: The applicant has provided a seven sheet site and development plan that complies with the specific design and information requirements of the County's land development code. The applicant indicates that an existing easement along the westerly boundary of the property will be abandoned. This may conflict with an earlier directive

of the Public Works Department that upon development of the property that a driveway be constructed that aligns with Antler Road (see attachment #7).

Site and Development Plan Criteria, Article XI, Section 10-1482:

Site plans shall be prepared to comply with three basic development requirements. These include:

1. Whether the applicable zoning standards and requirements have been met.
2. Whether the applicable provisions of the Environmental Management Act have been met.
3. Whether the requirements of Chapter 10 and other applicable regulations or ordinances which impose specific requirements on site and development plans and development have been met.

Findings: The proposed plan of development will comply with the minimum lot size requirements in both the RP and UF zoning districts, and proposed structures and parking will comply with minimum setback and building setback and height limitations in each of these districts.

The site has been designed to protect specific environmental features on the property, including the establishment of a conservation area covering natural areas of the 3.0 acre site, provide a stormwater management area, and buffers between existing residential areas and the proposed church site.

The plan has been designed to comply with the design requirements of Chapter 10 of the Leon County Land Development Code, however, the issue of driveway access location and the legal status of previously established restrictive covenants needs to be resolved(attachments #6 and #7).

Division 5. Substantive Standards and Criteria.

The plan shall be designed to comply with design and layout standards of the code. Land shall not be subdivided or developed until provisions have been made for public facilities and improvements proposed in accordance with the Comprehensive Plan and County requirements. Development shall comply with specific design criteria described in Section 10-1526(e).

Finding: The church will consist of a single 4275 square foot building and a total of 21,209 square feet of impervious area. The proposed church site with retention basins is designed to comply with the requirements of this division including minimum lot size, street design, stormwater facility design, the preservation of open space, minimum required parking and driveways and aisles, provision of buffers, and the provision of on-site utility services compliant with code. The site is not within a special flood hazard

area. As described above, the access location shall require approval of Public Works in order to comply with Section 10-1526(e)(2).

General Layout and Design Standards (Section 10-1527):

Specific development site layout and design standards are listed in Section 10-1527. These address access, easements, lots configuration, public and private streets, sidewalks and bikeways, and street names.

Finding: The development will be provided with a single access point to Buck Lake Road. This access point must be approved by Public Works. Previous approvals required or implied that access to this parcel would be by the existing joint access easement with alignment to Antler Road. In 1996, the Director of Engineering Services indicated at that access to lot 1 (site) would be permitted but only if the driveway aligned with Antler Road (attachment #7). The proposed driveway is off-set from Antler Drive. This issue was brought to the attention of the applicant at the technical review meeting. Unless the intersections are aligned this may create an avoidable interference with traffic flow (see Section 10-1527 (d)). Sidewalks will be provided in front of the building serving the concrete parking spaces. No sidewalk is required along Buck Lake Road since this site is outside the Urban Service Area. The applicant is proposing a 15 feet wide off-site drainage easement. A 15 feet wide easement is permitted if it can be demonstrated by the applicant that such width is sufficient for the operation and maintenance of utilities. The standard complies with the Future Land Use Element objective 1.4, policy 1.4.20.

Stormwater Management (Section 10-1528):

All development sites shall provide for stormwater management and treatment.

Findings: The site will include two retention ponds to manage and treat stormwater. As mentioned above, a drainage easement will be provided on an adjacent property to convey stormwater to a publicly maintained drainage system. In addition, the applicant will be constructing a swale within the Buck Lake Road right-of-way to capture and direct off-site stormwater away from the site and into a publicly maintained drainage system (also see comments above in Section 10-208).

Public Water Supply (Section 10-1529) and On-Site Sewage Disposal Systems (Section 10-1530):

Potable water and sanitary sewer facilities shall be installed meeting the requirements, policies and specifications of the county and service providers.

Findings: The development is outside the USA, therefore central water and sewer is not required to be provided to the site. The church will be served by potable water well to be located on the southwest side of the church building and a septic system and drain field to be located on the southeast portion of the site. These will be consistent with the Utilities Element, Potable Water sub-element, Objective 1.2, policy 1.2.3 and the Sanitary Sewer-sub-element, Objective 1.2, policies 1.2.1, and objective 1.3, policy 1.3.1 and Objective 3.1, policy 3.1.7.

General Features Relating to Natural Features (Section 10-1534):

Applicants shall take into consideration natural features and vegetation in the layout of development sites.

Finding: The development site contains no regulated natural features but over 25% of the site will be preserved as a natural area within a conservation easement.

General Principles of Design Relating to Impacts on Nearby Streets and Property Owners (Section 10-1535) and Additional guidelines for non-residential development (Section 10-1536):

The site and development plan shall comply with eleven specific design principles as listed in this section including demonstrating compatibility, minimal environmental impact, landscaping and retention of vegetation, access, and open space preservation.

Findings: The site has been designed to consider each of the eleven design criteria listed in Section 10-1535 and Section 10-1536.

Requirements for Developments Not Dedicated to the Public (Section 10-1537):

An acceptable legal entity with authority and financial ability to maintain infrastructure/improvements shall be provided in accordance with code.

Findings: The church site plan will contain private improvements. Stormwater ponds and on-site utilities will be owned and maintained by the church and the off-site drainage easement will be maintained by the church. Earlier prepared covenants and restrictions may apply to this property

Also see comments from the Public Works Department (Attachment #5).

Other Issues:

The subdivision requires conditions of approval in order to comply with all aspects of the land development code and Comprehensive Plan. This includes:

- 1) Existing restrictive covenants for Chester Lee Craft Limited Partition, November 8, 1996(not recorded) need to be discussed and a determination rendered as to how they apply to the development of this site (attachment #6).

Site Plan and Subdivision Review Criteria: In deciding whether to approve, approve with conditions, or deny a site plan, the Development Review Committee shall determine pursuant to Section 10-1479.1, Type "C" Review, Section 10-1482 and Section 10-1408, if the plan of development is:

(a) *Consistent with the Comprehensive Plan;*

(b) *Whether the design standards and requirements set forth in the Subdivision and Site and Development Plan regulations have been met (Article XI);*

(c) *Whether the applicable criteria of the Environmental Management Act have been met (Article VII);*

(d) *Whether the applicable zoning standards and requirements have been met (Article X); and*

(e) *Whether the plans should also comply with the requirements of other applicable regulations or ordinances which impose specific requirements on the proposed development have been met (Article XII, Article VI, Article XIII, Article XIV, Article XV, Article XVII, and if applicable, Article XVIII).*

Finding: As described above, the proposed plan with conditions complies with the Comprehensive Plan, Environmental Management Act, Site and Subdivision Regulations and other provisions of the Leon County Land Development Code.

Leon County Growth and Environmental Management Department recommendation:

Growth and Environmental Management recommends approval with conditions of the site plan for "Life Eternal Ministries Church" consisting of a seven sheet plan, prepared by William E. Douglas, P.E. of DEC Engineering, Inc., Tallahassee, Florida, with title sheet and sheet numbers 1-6, with sheet 1 dated 5/9/02 and sheets 2 through 6, dated August 5, 2003 and with final revision date of November 10, 2004.

The recommendation is based on the above referenced findings and the incorporation of the following conditions into the site and development plan:

1. Record the proposed 15 feet wide off-site drainage easement across tax parcel # 12-29-20-067-0000 prior to obtaining an environmental management permit.
2. An easement shall be obtained/provided adjacent to the right-of-way of Buck Lake Road and along the properties located to the south side of Buck Lake Road east of the site, if necessary, to construct the drainage swale within the Buck Lake Road right-of-way.
3. Submit to the Environmental Compliance Division a standard form conservation easement in favor of the County over that portion of the site identified as a proposed Conservation easement. Such conservation easement shall require approval by the Environmental Compliance Division prior to consideration by the County Commission and shall be recorded in the public records prior to the issuance of an Environmental Management Permit.
4. Provide a legal description on sheet 1 to accompany the survey (Survey Sheet).

5. Indicate what type of sign exists or is proposed along Buck Lake Road at the driveway entrance (as shown on sheets 2, 3, and 4). Any such signs must be approved by the Public Works Department.
6. Indicate a construction or build-out date per Article XI, Division 4, Section 10-14813(b) (i)z.
7. The applicant indicates that an existing easement along the westerly boundary of the property will be abandoned. This may conflict with an earlier directive of the Public Works Department that upon development of the property that a driveway be constructed that aligns with Antler Road (see attachment #7). The proposed easement abandonment must be approved by the Public Works Department.
8. The legal status of previously established restrictive covenants needs to be resolved before building permits for the church is approved (see attachment #6).
9. Inclusion of the conditions recommended by Public Works in the November 29, 2004 memorandum (Attachment # 5).
10. Inclusion of the conditions recommended by Planning Department in the November 30, 2004 memorandum (attachment # 2).

Responses to Notification:

36 notices mailed

0 responses returned

0 returned as undeliverable

(As of the date of this memorandum)

Attachments:

1. PUV Certificate (VC990110RR), dated 12/09/03
2. November 30, 2004, memorandum from Cherie Bryant, Interim Land Use Supervisor
3. Memorandum from Brain Waterman, Transportation Planner and Preliminary Certificate of Concurrence, issued November 29, 2004.
4. November 29, 2004 memorandum from George Su, Sr. Environmental Review Engineer
5. November 29, 2004, memorandum from Kimberly Wood, R.E., Public Works
6. Letter from Jay Scott and Copy of Restrictive Covenants for Chester Lee Craft Limited Partition, November 8, 1996.
7. Memos regarding access permitted to Buck Lake Road.
8. Copy of the recorded Craft Limited Partition, November 7, 1996.

LEON COUNTY
MITTED USE VERIFICATION
CERTIFICATE NUMBER: VC990110

ISSUED TO:

Name: KEN RICHARDSON Phone #: 850-414-4192
Address: 1049 WINFIELD FOREST DRIVE TALLAHASSEE, FL,

Project Acreage: 3.00
Zoning District: RP
Parcel Tax ID#: 1229200310000

Church Building

COMMENTS

1: The property is located outside the Urban Service Area and has an Urban Fringe Future Land Use designation with a Residential Preservation overlay (RP/UF). The parcel is eligible for development as a 4,275 square foot religious organization/facility per Chapter 10, Article X, Division 9, Section 10-920(b)(4), Section 10-1210 and Section 10-954. Section 10-954 requires that all uses regulated by Article X, Division 8, Supplementary Regulations, as special exceptions be reviewed and approved by the Board of County Commissioners. Article X, Division 8, Section 10-1104 and Division 9, Section 10-1210 requires that a religious facility (church) obtain a special exception as a community service and facility/institutional use. Based on this provision of the code, this project will require a Type C review subject to its use for religious services only per Section 10-954 (3) and Section 10-1479.1 as amended by Ordinance 2003-21. However, any ancillary uses proposed in conjunction with the religious facility shall require a Type D (PUD) review per the Land Use Matrix of the Comprehensive Plan. A Type B buffer will be required between this site and the adjacent residential uses per Section 10-923. Access to the proposed facility shall be from Buck Lake Rd. Parking must be provided meeting the design standards of Article X, Division 7. The Comprehensive Plan dictates a maximum floor area of 5,000 square feet for religious facilities utilizing a septic tank.

CONDITIONS

Subject to the following sequence of reviews and required approvals:

- 1: Pre-Application Conference (Voluntary): Contact Development Review and Inspection at 488-9300
- 2: Concurrence Certificate: Contact Concurrence Mgt at 488-9300
- 3: Environmental Permit Contact: Environmental Compliance at 488-9300
- 4: Type C Review Contact: Development Services at 488-9300
- 5: Building Permit Contact: Building Inspection at 488-4704
- 6: *** Septic Permit Required Prior to Building Permit App

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

No Permitted Use Verification Application and/or Permitted Use Verification Certificate shall be the basis for any claims of estoppel or vesting as against any land development regulations or zoning regulations, which may be adopted on or after the date of the Permitted Use Verification Application and/or the Permitted Use Verification Certificate.

Status: ELIGIBLE

Date Approved: 09/24/1999

Revised 12/01/03
Revised 12/09/03

DAVID R. McDEVITT
Development Services Division
Leon County Community Development

Attachment # 2
Page 1 of 1

Attachment # 4
Page 17 of 39

**TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM**

TO: Bill McCord, Leon County Department of Community Development

FROM: Cherie Bryant, AICP
Interim Land Use Division Chief
Tallahassee-Leon County Planning Department

DATE: November 30, 2004

SUBJECT: DRC Meeting on December 1, 2004 - Life Eternal Ministries - Type "C"
Parcel ID - 12-29-20-031-000-0

Future Land Use Designation: Urban Fringe

Zoning District: Urban Fringe

Findings:

- 1) The project is for a 4,275 s. f. church facility on a 3 acre site. The property is located on the south side of Buck Lake Road, approximately 600 feet east of Old Dirt Road.
- 2) The Permitted Use Verification states that the parcel is located outside of the Urban Service Area, that the application is considered a special exception, and that pursuant to Section 10-1104 & Section 10-1210 the application shall be subject to review by the Board of County Commissioners.
- 3) The proposed conservation easement supports Objective 1.3 of the Conservation Element of the Tallahassee-Leon County Comprehensive Plan.

Recommendation:

The Planning Department recommends approval of this application.

Attachment # 3
Page 1 of 2

Attachment # 4
Page 18 of 39

From: Brian Waterman
To: McCord, Bill
Date: 11/29/2004 1:18:59 PM
Subject: Life Eternal Ministries ~ DRC Meeting

Bill,

The proposed project meets all concurrency standards and has a valid Preliminary Certificate of Concurrency that is set to become inactive on 2/27/05.

Brian

CC: Clark, Mike

Certificate Number: LCM030101
Date Issued: 12/09/2003
Expiration Date: 02/27/2005


LEON COUNTY
PRELIMINARY CERTIFICATE OF CONCURRENCY

Applicant.....: RICHARDSON KENNTH
Owner.....: RICHARDSON KENNTH
Project Name.....: LIFE ETERNAL MINISTRIES
Project Location: BUCKLAKE RD
Current Zoning: RESIDENTIAL PRESERVATION
Future Use Description: URBAN FRINGE
Parcel I.D. Number(s) 12-29-20-031-0000

Type of Land Use:
Church/Synagogue 4275 SQFT

Conditions:

This Preliminary Certificate of Concurrence is issued pursuant to Article VI of Chapter 10 of Leon County Code of Laws. Based upon the information submitted by the applicant, this certificate certifies that a development with the land use densities and intensities specified at the location specified above will have adequate infrastructure capacity tentatively reserved for water, wastewater, solid waste, recreation, mass transit, stormwater and transportation to serve the needs of the development. The information provided by the applicant has not been verified as accurate by staff. Upon notification from the Development Review and Inspection Division that a complete application for a Development Order is received from the applicant, staff will begin the assessment of the information received from the applicant. This permit in no way gives the proposed development any final authorization to develop, nor does it absolve the applicant from fulfilling the requirements of any Federal, State, County, or City Laws or regulations related to land use or land development.


Development Review and
Inspection Division

11/29/04
Date



interoffice
MEMORANDUM

Growth and Environmental Management

To: Bill McCord, Development Services Administrator
From: Shinming George Su, P.E., Senior Environmental Engineer *SGS*
Subject: Life Eternal Ministries
Development Review Committee (DRC) Meeting
Parcel ID #12-29-20-031-000-0
Date: November 29, 2004

The Environmental Compliance Division has reviewed the DRC application for the proposed development. Though there are some outstanding issues per the Environmental Impact Analysis (EIA) approval letter, we are recommending approval with conditions for the above project on the December 1, 2004 DRC meeting. The following approval conditions must be resolved at the time of environmental permit application:

- A. The private drainage easements, which will be connected with the Ellis Road drainage ditch, must be acquired for the proposed stormwater discharge conveyance system.
- B. The proposed ditch improvements along Buck Lake Road, extended to the existing ditch from the project site, must be approved by the Public Works Department also.
- C. The engineering design report needs to be signed and sealed by a PE.

Attachment #

4

Page 21

of 39

Attachment #

5

Page

1 of 1

BOARD OF COUNTY COMMISSIONERS**MEMORANDUM**

DATE: November 29, 2004
TO: Bill McCord, Development Services Administrator
FROM: Kimberly A. Wood P.E., Chief of Engineering Coordination
SUBJECT: Type C Review of Life Eternal Ministries - For DRC Meeting on December 1, 2004

The preliminary review is complete and the following are for information only:

1. Sheet 2 titled Site Plan should include pond locations.
2. The sign shown in the County's right of way should be identified. If this is a sign for the church it cannot be located in the right of way, if it is a street sign should be identified and relocated to prevent a site distance problem at the entrance.
3. The 10 foot strip of concrete at the edge of Buck Lake Road should be replaced with asphalt.
4. Note that Public Works' construction approval will be required for the ditch work along Buck Lake Road and Ellis Road.
5. Note that Driveway Connection and Right of Way Placement Permits will be required from Public Works
6. Note the proposed grading outside the County right of way for the driveway on parcel 12-29-20-067-0000 will require permission from the property owner.

Public Works' conditions for approval of this review are as follows:

1. The recording of the proposed drainage easement across the adjacent properties to Ellis Road. Without this easement the stormwater management facility will not function as designed.
2. The 30 foot access/utility easement on the western property line is labeled to be abandoned. Fifteen feet of this easement is located on parcel 12-29-20-032-0000 and will have to be abandoned by the easement holder and property owner.

January 9, 2004

RECEIVED
JAN 13 2004
Growth and Environmental Management
Development Review

Leon County
Growth & Environmental Management
Development Services Division
Attention: William McCord
3401 West Tharpe Street
Tallahassee, FL 32303

Dear Mr. McCord,

This letter is in reference to the proposed construction of a church on parcel number 12-29-20-031-0000. I have a few concerns regarding this proposal. One concern is that the proposed church is to be built on a "Native Florida Forest" that has already been illegally, partially cleared. It is also of concern that the proposed church will violate the restrictive covenants of the Chester Lee Craft subdivision. These covenants clearly state that no structure or structures shall be placed on said premises except a residence.

It is understood that this is a civil matter, but on the advise of my attorney, these covenants are being brought to the county's attention.

Please keep me up to date on the status of this proposal and feel free to contact me with any questions. You will find a copy of the covenants and restrictions enclosed.

Thank you for your time with this matter.

Jay Scott
777 Old Dirt Road
Tallahassee, FL 32317
850-878-3593

**CHESTER LEE CRAFT
LIMITED PARTITION SUBDIVISION
RESTRICTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS:

That I, CHESTER LEE CRAFT, being the owner of Chester Lee Craft, Jr. Limited Partition subdivision in Leon County, Florida, more particularly described in Exhibit "A", do hereby impose upon the lands hereinabove described in the restrictive covenants hereinafter set forth, which shall run with the land and shall inure to the benefit of and be enforceable by any property owner(s) who may be adversely affected by any violation or attempted violation thereof, their representatives, heirs, successors and assigns, for a term of twenty-five (25) years unless an instrument signed by the then owners of two-thirds of the lots has been recorded, agreeing to change said covenants and restrictions in whole or in part, provided, however, that no such agreement to change shall be effective unless made and recorded three (3) years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every owner at least ninety (90) days in advance of any action taken, to-wit:

1. No business or activity shall be permitted or conducted on or from the herein described property that will be obnoxious or a nuisance to other land owners.
2. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one foot square, and except one sign of not more than five square feet advertising the property for sale or rent (excluding therefrom signs used by the developer for the sale of said property).
3. No structure of a temporary character, trailer, basement, tent, shack, garage or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
4. No mobile homes may be placed on said premises.

5. No structure or structures shall be placed on said premises except a residence and the normal utility buildings such as a garage, storahouse, buildings for horses and pets, buildings to house utilities, and the like. All of such secondary buildings will be constructed on any lot so as to be situated to the rear of the main residence.

6. The ground floor area of the main structure, exclusive of porches and garages, shall not be less than 1,500 square feet for a one-story dwelling. In the event a structure contains more than one story, the ground floor must contain not less than 1,200 square feet, both exclusive of porches.

7. No building shall be located nearer than 100 feet to the front lot line nor nearer than 100 feet from any side corner street line nor nearer than 20 feet from any interior lot line nor nearer than 50 feet from rear lot line.

8. Horses may be kept on said premises, not to exceed one horse to each 1½ acres and shall be adequately fenced and be maintained in an area of the property so as not to create a nuisance to adjoining landowners. No other livestock shall be kept on the property.

9. Any violation or attempted violation of the foregoing covenants may be enjoined by any property owner who may be adversely affected thereby; and in such suit, damages may be claimed for any depreciation in land values to other lands caused by the violation or attempted violation of any of the aforesaid restrictive covenants.

10. Invalidation of any one or more of these covenants by judgment or Court orders shall in no wise affect any of the other provisions, covenants or restrictions, but they shall remain in full force and affect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of November, A. D. 1926

Signed, sealed and delivered
in the presence of:

Davis D. Smith
DAVIS D. SMITH Witness

Jo Ann Smith
Jo Ann Smith Witness

Chester Lee Craft (SEAL)
CHESTER LEE CRAFT

STATE OF FloridaCOUNTY OF Leon

The foregoing instrument was acknowledged before me this 24 day of November, A. D. 1996, by CHESTER LEE CRAFT who is personally known to me or who has produced _____ as identification and who did not take an oath, and who executed the foregoing instrument and acknowledged before me that he executed the same.

Davis D. Smith
DAVIS D. SMITH NOTARY PUBLIC

My Commission Expires:
Commission #

This Instrument Prepared By
Chester Lee Craft
2006-B Bradford Ct.
Tallahassee, FL 32303



Davis D. Smith
MY COMMISSION / COMMISSION EXPIRES
October 22, 1998
SIGNED THIS 27TH DAY OF NOVEMBER, 1996

BOARD OF COUNTY COMMISSIONERS**Inter-Office Memorandum**

RECEIVED
96 FEB 16 AM 11:31
TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

To: Jorge L. Gonzalez
Land Use Administration Division

From: Herbert W.A. Thiele, Esq. *JEL for*
County Attorney

Date: February 15, 1996

Subject: Response to Memorandum Concerning Craft Minor Subdivision

This is in response to our telephone conversation of January 30, 1996, and your memorandum to me of same date with regard to the Craft Minor Subdivision and the vehicular access issue.

Based upon the access issue, we believe that the modification would constitute a substantial change from the approved site plan, thus necessitating that new site plan application or a site plan modification be submitted. The submission should go through the regular site plan review procedure for a project of this type and size.

If you have questions, please contact the County Attorney's Office.

HWAT:sh

cc: Howard Pardue, Director of Community Services
Wendy Grey, Director of Planning
Jean Gregory, Chief of Land Use Administration
Tony Park, Director of Engineering Services

**TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM**

TO: Herbert W.A. Thiele, County Attorney
FROM: Jorge L. Gonzalez, Land Use Administration Division
DATE: January 30, 1996
RE: Craft Minor Subdivision - Revised Condition from Public Works

Herb, in accordance with our telephone conversation, I am asking for your opinion on the matter described below.

On August 3, 1995, the Planning Director approved, with conditions the Craft Minor Subdivision, Minor Site and Development Plan (MI-034) (refer to Attachment #1 for a copy of the approval letter). One of the conditions of approval is that vehicular access to the proposed lots is to be limited to "Old Dirt Road" (refer to Attachment #2 for a general location map). The condition was imposed by the Leon County Public Works Department (refer to Attachment #3 for a copy of a memorandum dated 7/17/95). As of today, the applicant has not resubmitted a set of plans depicting the conditions of approval for final sign-off.

On January 26, 1996, we received a memorandum from the Leon County Public Works Department indicating that "upon further review," they had changed their mind and that 1 vehicular access point is going to be allowed to "Buck Lake Road" (refer to Attachment #4 for a copy of the memorandum). The reason cited for the change is that new vehicular access points are allowed to major collector and arterial roadways, provided that the subject property is outside of the "urban service area." The subject property is outside of the urban service area.

Due to the fact that the condition that was originally imposed is not specifically required by the Leon County Code of Laws, the Planning Department does not oppose modifying the condition to allow for 1 vehicular access point to Buck Lake Road. Our question relates to process. If the applicant resubmits a set of plans depicting the modified condition can the Planning Director "sign off" without any new public notice? Under such a scenario, can an adjoining property owner claim that their "due process" rights were violated since they will not have an opportunity to request a "further administrative review" of the decision by the Planning Director because the application was "approved" in August of 1995? We are not aware of an adjoining property owner who objected to the application or who was specifically concerned about vehicular access points to Buck Lake Road, but we can not guarantee it.

Your assistance will be greatly appreciated.

xc: Wendy Grey, Planning Director
Jean Gregory, Chief of Land Use Administration

Board of County Commissioners**INTER-OFFICE MEMORANDUM**

RECEIVED
96 JAN 26 PM 4:18
TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

DATE: JANUARY 26, 1996

TO: JORGE GONZALEZ, PLANNER II
TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

FROM: *Tony*
TONY PARK, P.E., DIRECTOR OF ENGINEERING SERVICES
LEON COUNTY PUBLIC WORKS

SUBJECT: CHESTER CRAFT MINOR SUBDIVISION

Upon further review of the Chester Craft Minor Subdivision, it has been determined that a single access to Buck Lake Road may be allowed to lot 1 provided that such access aligns with Antler Road. The subdivision is located outside of the Urban Service Area and, therefore, restriction of lot access to a major collector is not applicable. Under these circumstances, the (single) access is consistent with the Land Development Regulations. Lots 2 and 3, however, must be accessed from "Old Dirt Road."

TP:mc



TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



August 3, 1995

Mr. Chester Lee Craft, Jr.
2007-B Bradford Court
Tallahassee, Florida 32303

RE: Craft Minor Subdivision, Minor Site and Development Plan (MI-032)

Dear Mr. Craft:

This letter is to inform you that the above-referenced application filed in our office on June 30, 1995, has been reviewed in accordance with the procedure established in Section 10-1482 of the Leon County Code of Laws and approved with conditions based on the following findings:

1. The subject property is located in the "Urban Fringe" zoning district and the proposed site an development plan is consistent with the permitted use (dwelling, one-family) and gross density requirements [one (1) dwelling unit per three (3) acres] established for this district; and
2. With the conditions of approval outlined below, the site and development plan complies with the applicable measurable requirements established in Division 5 (Substantive Standards and Criteria) of the Leon County Code of Laws, the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual and the written comments received from the technical review staff.

The conditions of approval are as follows:

1. All public signs shall be removed by the applicant within five (5) days of receipt of this letter; and
2. Pursuant to a request from the Leon County Public Works Department, revise the site and development plan to indicate that vehicular access to all proposed lots will be limited to "Old Dirt Road;" and
3. Pursuant to a request from the Leon County Department of Growth and Environmental Management, revise the site and development plan to recognize the "limits of clearing" associated with the "mature successional forest" environmental feature; and
4. Revise the site and development plan to indicate that the installation of individual septic systems and private wells are subject to obtaining the required approvals from the Leon County Public Health Unit of the Florida Department of Health and Rehabilitative Services; and
5. Revise the site and development plan to depict the "approval title block" required for minor developments (see attachment).

Please submit five (5) copies of the revised site and development plan reflecting the above-referenced conditions. If you have a question about any one of the above-referenced conditions, contact our office immediately. As soon as we receive all of the revised copies of the site and development plan, we will make them available to all applicable development review authorities for their review. Representatives of the applicable development review authorities will sign the site and development plan if all of the above-referenced conditions have been satisfied. After representatives of each applicable development review

33

authority sign the site and development plan, one (1) copy will be provided to the applicant with the balance of the copies being distributed to various applicable permitting agencies.

Please be advised that the revised site and development plan must only reflect changes that are necessary to satisfy the above-referenced conditions, otherwise the site and development plan should be identical to the site and development plan originally submitted for review.

Please be advised that pursuant to Section 10-1552(i) of the Leon County Code of Laws, no building permit may be issued until the plat has been recorded with the clerk of the circuit court. Also, pursuant to Section 10-1490(e) of the Leon County Code of Laws, a site and development approval with conditions remains in effect until development build-out and until transfer of ownership of lots, if applicable. However, approval with conditions shall expire if substantial and observable development has not begun within two (2) years of the date of approval or substantial and observable development ceases for a period of two (2) years before the project is complete and certificates of occupancy have been issued.

Please be advised that pursuant to Section 10-1491 of the Leon County Code of Laws, the applicant or the owner of an abutting parcel may request further administrative review of the decision of the Planning Director by the Planning Commission by filing a request in writing within seven (7) calendar days after the decision of the Planning Director and paying the appropriate fee. Requests for further administrative review are processed in accordance with the procedural and substantive criteria set forth in Section 10-1491.

This approval is based on the information presented in the application submitted for review and the findings presented by the development review authorities, and is intended to meet the procedural requirements of Section 10-1482 of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations. If you have any questions, please do not hesitate to contact our office at #891-8629.

Sincerely,


Wendy Grey
Planning Director

xc: Mr. Herbert W.A. Thiele, County Attorney
Mr. Tony Park, P.E., Director of Engineering Services
Mr. Helge Swanson, Director of Environmental Permitting
Mr. Buddy Holmes, Leon County Property Appraiser
Mr. Martin P. Black, AICP, Chief of Land Use Administration
Mr. Bill Tellefsen, Broward Davis & Associates, Inc.
Mr. Steve Eswine, Leon County Public Health Unit
Mr. David McDevitt, Development Review Coordinator

[LU95-0560.doc]

This AFFIDAVIT certifies that the parcel of land identified BY LEON COUNTY TAX IDENTIFICATION NUMBER #12-29-20-032-0000 and owned by Chester Lee Craft, Jr., whose address is 2007-B Bradford Court, Tallahassee, Florida 32303 is hereby granted a LIMITED PARTITION approval for the subdivision of an existing 11.64 ACRE parcel into Three (3) LOTS, pursuant to Section 10-1426 of the Leon County Subdivision Regulations. This affidavit and approval only satisfy the procedural requirements of the Leon County Subdivision Regulations and shall be for informational purposes only and shall not be referred to for the purpose of conveying property. In addition, this approval and affidavit do not waive nor denote compliance with any other applicable federal, state, or local regulations or requirements.

The property owner(s) hereby agree that this document shall be recorded in the public records of Leon County, Florida, and shall serve as evidence that the property owner(s) of record petitioned Leon County for the subdivision of such lands.

To be completed by the Leon County Department of Growth and Environmental Management:

I hereby certify that on November 6, 1996, the Leon County Department of Growth and Environmental Management approved the Chester Lee Craft Jr. LIMITED PARTITION SUBDIVISION as shown in the attached Exhibit 1. The approval was pursuant to the Department of Growth and Environmental Management Limited Partition Procedures Guide and Section 10-1426 of the Leon County Subdivision Regulations. An official record of the subdivision approval is on file with the Leon County Department of Growth and Environmental Management.

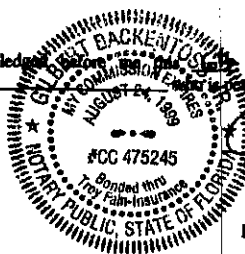
Leon County Department of Growth and Environmental Management:
GARY W. JOHNSON
GARY W. JOHNSON, Director
Growth and Environmental Management

Witness:
Susan Clary
Signature
Susan Clary
Print Name

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 6th day of November, 1996, by GARY W. JOHNSON and who did (did not) take an oath.

(SEAL)



Gilbert Backenstos
Signature of Notary Public
Print or Type Name

To be completed by the Property Owner:

Property Owner:
Chester Lee Craft, Jr.
Chester Lee Craft, Jr.

Witnesses (2):
1. John Smith
Signature
JOHN SMITH
Print Name
2. Davis D. Smith
Signature
DAVIS D. SMITH
Print Name

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 4th day of OCTOBER, 1996, by CHESTER LEE CRAFT, JR. who is personally known to me or who has produced identification and who did (did not) take an oath.

(SEAL) Davis D. Smith
MY COMMISSION # CCS02379 EXPIRES
October 23, 1998
BONDED THRU TROY FARM INSURANCE, INC.

Davis D. Smith
Signature of Notary Public
DAVIS D. SMITH
Print or Type Name

RECORDED IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA
NOV 7 1 32 PM '96
1494898

LEGEND:
 F.C.M. = FOUND 4" x 4" CONCRETE MONUMENT Attachment #
 F.I.P. = FOUND IRON PIPE
 F.N.C. = FOUND NAIL AND CAP
 00000 = PROFESSIONAL LAND SURVEYOR CERTIFICATE
 S.C.M. = SET 4" x 4" CONCRETE MONUMENT #732
 S.I.P. = SET 1/2" IRON PIN #732
 S.N.C. = SET NAIL AND 1" CAP #732
 (P) = PLAT INFORMATION
 (D) = DEED INFORMATION
 (C) = CALCULATED INFORMATION
 (S) = SURVEY INFORMATION
 OHU = OVERHEAD UTILITIES

FIPN = FOUND IRON PIN
 PP = POWER POLE
 LP = LIGHT POLE

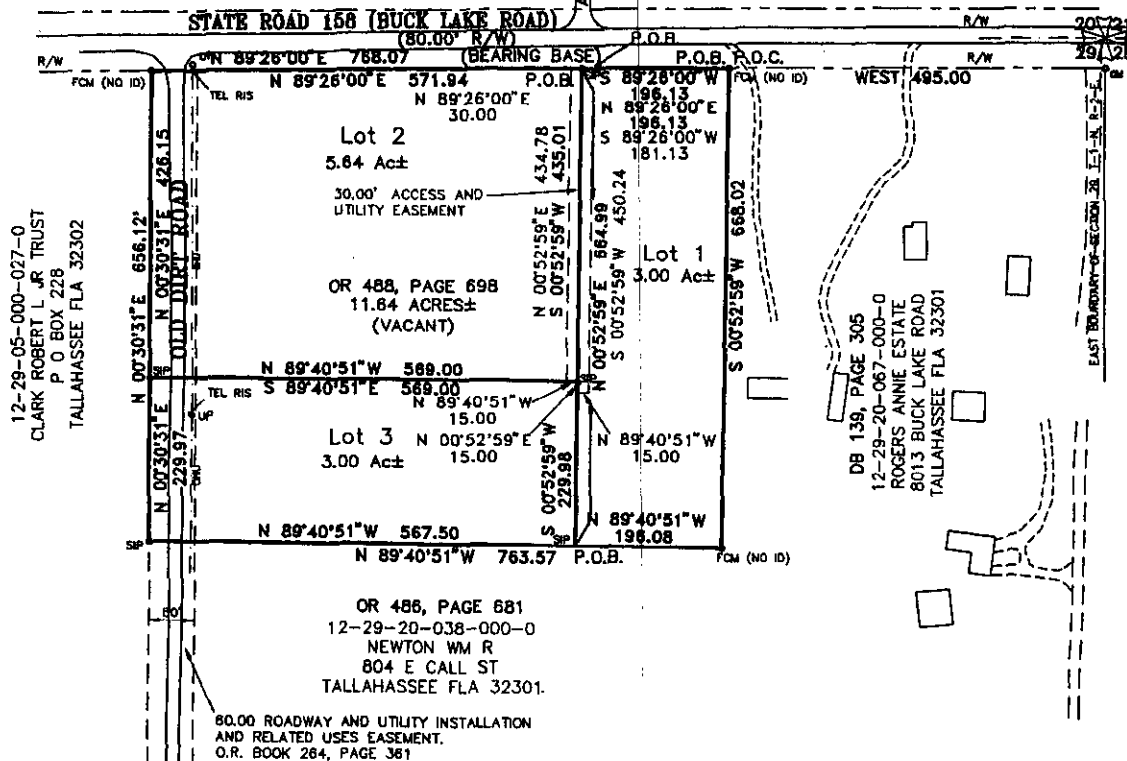
P.O.C. = POINT OF COMMAttachment # 4
 P' = POINT OF BEGINN
 R. = R/W = RIGHT-Of-Page 32 of 39
 C/L = CENTERLINE
 R = RADIUS
 D = DELTA OR CENTRAL ANGLE
 A = ARC LENGTH
 T = TANGENT DISTANCE
 CH = CHORD BEARING AND DISTANCE
 P.B./PG. = PLAT BOOK AND PAGE
 O.R./PG. = OFFICIAL RECORDS BOOK AND PAGE
 D.B. = DEED BOOK
 UP = UTILITY POLE

NOTE:

ANY FURTHER SUBDIVISION OF THE LOT OR LOTS SHALL BE SUBJECT TO THE PLATTING REQUIREMENTS AS SPECIFIED IN THE LEON COUNTY LAND USE CODE

EXHIBIT "1" Attachment # 8

Page 2 of 9



1. Proposed lots to utilize wells and septic tanks; electric service by City of Tallahassee.
2. Proposed lots to be used for single-family residential dwellings
3. Limits of clearing on each lot restricted to permitted improvements.
4. Installation of individual septic systems and private wells are subject to obtaining the required approvals from the Leon County Public Health Unit of the Florida Department of Health and Rehabilitative Services.

BAERINGS BASED ON PREVIOUS SURVEY BY THIS FIRM FOR JULIAN ALFORD
 JOB #67-042.

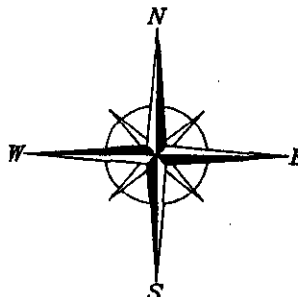
CERTIFICATIONS:

I HEREBY CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN ZONE C AS PER THE FLOOD INSURANCE RATE MAP FOR LEON COUNTY, FLORIDA PANEL NUMBER 120143 0205A DATED: 12-15-1982

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-6).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded, deeds, easements or other instruments which could affect the boundaries.

RICHARD L. WHITE
 Registered Florida Land Surveyor No. 4816
 UNLESS IT BEARS HIS SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR, NO MAPPER HAS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.



SCALE: 1"=200'

200 100 0 200 400 600

SCALE IN FEET



Broward Davis & Assoc., Inc. BOUNDARY SURVEY

Planning/Engineering/Surveying/Management

CLIENT:

CHESTER LEE CRAFT, Jr.

2414 MAHAN DR.
 TALLAHASSEE, FL.
 32308
 (904) 878-4185
 (904) 878-2058 (FAX)

1570 ROCK QUARRY RD.
 STOCKBRIDGE, GA.
 30221
 (404) 388-0229
 (404) 388-0223 (FAX)

JOB NO.:

67-042

DATE: 7-28-98

SCALE: 1"=200'

PSR NO.:

14153

REVISIONS:

4/8/98 - DWT

NOTEBOOK:

SHEET: RECORD.DWG

EASEMENT DEED

THIS INDENTURE, made this 4TH day of OCTOBER, 1996 by and between CHESTER LEE CRAFT, JR., parties of the first part, and all present and future owners of the property described in Exhibit "A", parties of the second part:

OR 1957 PG 1286

WITNESSETH: That the parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to it in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and release unto the party of the second part, its successors and assigns, a right-of-way and perpetual easement for the purposes of ingress and egress over appropriate areas of the parcel of property described in Exhibit "A", with full and free right, liberty, and authority to enter upon and to operate and maintain across, through and upon, over, under or within the following described property located in Leon County, Florida, described in the attached Exhibit "B".

That this easement shall be subject only to those easements, mortgages, restrictions, and reservations of record. The parties of the first part also agrees to erect no building or effect any other kind of construction or improvements upon the above-described property, without the prior written approval of the parties of the second part.

That this easement shall not be modified, shall not be cancelled, shall be perpetual in duration, and shall run with the land, unless prior written approval is granted by Leon County, Florida, by and through its Board of County Commissioners.

Parties of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good right and lawful authority to grant the above-described easement and that the same is unencumbered, or shall get a partial release from the encumbrances. Where the context of this Easement Deed allows or permits, the same shall include the successors or assigns of the parties.

IN WITNESS WHEREOF, the parties to this Easement Deed set their hands and seals the day and year first above written.

WITNESSES:

John Smith
JO ANN SMITH

PARTIES OF THE FIRST PART:

Chester Lee Craft, Jr.
CHESTER LEE CRAFT JR.

WITNESSES:

Davis D. Smith
DAVIS D. SMITH

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 4TH day of OCTOBER, 1996, by CHESTER LEE CRAFT, JR., who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.



Davis D. Smith
MY COMMISSION # CC502376 EXPIRES
October 23, 1999
DANIEL TRULY TRULY FARM INSURANCE, INC.

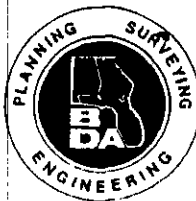
Davis D. Smith
Signature of Notary Public

DAVIS D. SMITH
Print or Type Name

Title or Rank
CC502376
Serial Number, if Any

BROWARD DAVIS & ASSOC., INC.PLANNING • ENGINEERING • SURVEYING • DEVELOPMENT MANAGEMENT • ENVIRONMENTAL
FLORIDA • GEORGIA • ALABAMA • SINCE 1958

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 GEORGE T. CHAPMAN, RLS, PE
 BROWARD P. DAVIS, PLS, RLS
 LARRY D. DAVIS, PLS
 LARRY E. DAVIS, PLS
 RUFUS L. DICKEY, PLS
 LEE F. DOWLING, PLS, RLS
 TONIE R. GREEN, PLS



WALTER A. JOHNSON, PLS, PE
 STEVEN P. PALMER, EI
 RICHARD L. WHITE, PLS
 ROGER V. WYNN, PE
 PATRICK J. MADISON, Ph.D., REP

NEVINS C. SMITH, PE
 SPECIAL CONSULTANT

July 30, 1996

CHESTER LEE CRAFT, JR.
 LOT 1

OR 1957 Pg 1283

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-6).

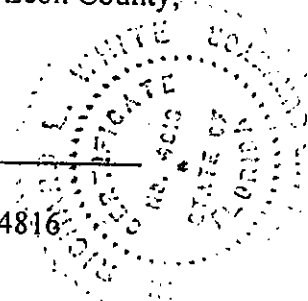
The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

Begin at a concrete monument on the South boundary of State Road No. 158 (Buck Lake Road 80.00 foot right of way), said point being 495.0 feet West of the East boundary of Section 29, Township 1 North, Range 2 East, Leon County, Florida, and run thence South 00 degrees 52 minutes 59 seconds West 668.02 feet to a concrete monument, thence North 89 degrees 40 minutes 51 seconds West 196.08 feet to a iron pin LB #732, thence North 00 degrees 52 minutes 59 seconds East 664.99 feet to a iron pin LB #732 lying on the aforesaid South boundary of State Road No. 158 (Buck Lake Road), thence North 89 degrees 26 minutes 00 seconds East along said South boundary a distance of 196.13 feet to the POINT OF BEGINNING; containing 3.00 acres, more or less.

The subject property lies within Zone C as per Flood Insurance Rate Map for Leon County, Florida, Panel No. 120143-0205A, with effective date December 15, 1982.

RICHARD L. WHITE

Registered Florida Surveyor No. 4816



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DAVID J. BARTLETT, PLS
 WILLIAM E. BURTON, RLS
 JAMES A. CANNINGTON, RLS
 GEORGE T. CHAPMAN, RLS, PE
 JOSEPH D. COLEMAN, PLS
 BROWARD R. DAVIS, PLS, RLS
 LARRY D. DAVIS, PLS
 LARRY E. DAVIS, PLS
 RUFUS L. DICKEY, PLS
 LEE F. DOWLING, PLS, RLS



TONIE R. GREEN, PLS, RLS
 WALTER A. JOHNSON, PLS, PE
 KIZ A. McLEOD, EI
 RICHARD L. WHITE, PLS
 ROGER V. WYNN, PE
 PATRICK J. MADISON, Ph.D., REP, AICP
 DAVID W. TEDDER, AICP

NEVINS C. SMITH, PE
 SPECIAL CONSULTANT

July 30, 1996

Revised August 29, 1996

EXHIBIT "B"

CHESTER LEE CRAFT, JR.

30.00 ACCESS AND UTILITY EASEMENT

OR 1957 PG 1288

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-6).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

Commence at a concrete monument on the South boundary of State Road No. 158 (Buck Lake Road 80.00 foot right of way), said point being 495.0 feet West of the East boundary of Section 29, Township 1 North, Range 2 East, Leon County, Florida, and run thence South 89 degrees 26 minutes 00 seconds West 181.13 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run South 00 degrees 52 minutes 29 seconds West 450.24 feet, thence North 89 degrees 40 minutes 51 seconds West 15.00 feet, thence North 00 degrees 52 minutes 59 seconds East 15.00 feet, thence North 89 degrees 40 minutes 51 seconds West 15.00 feet, thence North 00 degrees 52 minutes 59 seconds East 434.78 feet to the aforesaid South boundary of State Road No. 158 (Buck Lake Road), thence North 89 degrees 26 minutes 00 seconds East along said South boundary a distance of 30.00 feet to the POINT OF BEGINNING; containing 13,275.31 square feet.

The subject property lies within Zone C as per Flood Insurance Rate Map for Leon County, Florida, Panel No. 120143-0205A, with effective date December 15, 1982.

RICHARD L. WHITE

Registered Florida Surveyor No. 4816

BDA #67-042
PSR #14153



FLORIDA DEPARTMENT OF HEALTH & REHABILITATIVE SERVICES
*Working in partnership with local communities to help people be self-sufficient,
experience good health and live in stable families and communities.*

TECHNICAL STAFF REVIEW

Date: August 28, 1996

Project: CHESTER CRAFT - Limited Partition

COMMENTS

1. Individual lots to be evaluated for suitability for septic system use at the time of permitting. Approval will be based on the onsite evaluation and soil sampling conducted in the area proposed for each septic system.
2. Predominate soil found on lot, according to USGS Soil Survey Maps of Leon County, is identified as an Orangeburg Sandy Clay Loam. Mounded septic systems are not anticipated. A small area of Albany soil was shown in the NW corner of lot #2. Septic systems located in this area may need to be mounded due to high estimated wet season water tables.



BOARD OF COUNTY COMMISSIONERS

Leon County Courthouse
Tallahassee, Florida 32301
(904) 488-4710

Commissioners:

ANITA L. DAVIS
District 1
CAROL E. KIO-GREEN
District 2
MANNY JOANOS
District 3
BRUCE J. HOST
District 4
GARY YORDON
District 5
RUDY MALOY
At-Large
CLIFF THAELL
At-Large

Department of Growth &
Environmental Management
Development Review Division
3401 W. Tharpe St.
Tallahassee, Florida, 32303

PARWEZ ALAM
County Administrator
(904) 488-9962

HERBERT W.A. THIELE
County Attorney
(904) 487-1008

October 28, 1996

Mr Chester Lee Craft, Jr.
2007-B Bradford Court
Tallahassee, FL 32317

RE: Craft Limited Partition
Parcel #12-29-20-032-0000

Dear Mr. Craft:

1. We have completed the review process for your "Limited Partition" Subdivision application for the subject parcel in accordance with the Department of Growth and Environmental Management Limited Partition Procedures Guide and Section 10-1426 of the Leon County Land Development Code. Key time events in the review process are as follows:

a. A Permitted Use Verification (VC-0307), indicating that the parcel is eligible for the proposed subject project, was approved on April 28, 1994.

b. The project was the subject of a Technical Staff Review meeting on August 28, 1996. Deficiencies and issues were identified and provided to the applicant for resolution.

c. The applicant provided additional information to the Division of Development Review on August 29, 1996.

2. Following our staff review, your application has now been determined to be complete and is approved based upon the following findings of fact:

a. The subject property is located within the "Urban Fringe" zoning district and the proposed subdivision is consistent with a permitted use (dwelling, one-family) and gross density requirement of one (1) dwelling unit per three (3) acres as established for this district; and

b. The proposed Limited Partition Subdivision complies with the applicable requirements established in Division 5 (Substantive Standards and Criteria) of the

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Mr Chester Lee Craft, Jr.
October 28, 1996

Leon County Land Development Code and the written comments received from the Technical Review Staff.

c. The proposed development complies with the applicable requirements for the Limited Partition Subdivision established in Section 10-1426 of the Leon County Land Development Code.

d. The proposed development is consistent with the Tallahassee-Leon County Comprehensive Plan.

e. This property was subject to a development order known as "Chester L. Craft, Jr. Minor Site and Development Plan" approved on April 9, 1996. This development order was withdrawn by the agent on October 24, 1996.

f. The Environmental Analysis for this parcel was approved during the review of the "Chester L. Craft, Jr. Minor Site and Development Plan".

3. Please submit an original 8 1/2" X 14" copy of the Limited Partition Plan sheets, with a metes and bounds legal description of each approved subdivision lot, along with the recording affidavit. The plan for recording must reflect changes that are necessary to satisfy the above-referenced conditions. Otherwise, the plan should be identical to the one approved during the review process. Submit the fee for the cost of recording the documents which is \$6.00 for the first page and \$4.50 per additional page. Make the check payable to Leon County. The Development Review Division staff will record the plan in the official records of the Clerk of the Circuit Court of Leon County and will provide written notification of the action. Signed copies will be distributed to appropriate agencies.

4. Pursuant to Section 10-1426(7) of the Leon County Land Development Code, failure to submit the final plans and the appropriate fees within thirty (30) calendar days following plan approval, will deem the approval to have been revoked and expired.

5. Pursuant to Section 10-1426(5)(c) of the Leon County Land Development Code, the decision in this matter will become final within five (5) working days unless a person who has submitted comments and who qualifies as a party as defined in Article XI of Chapter 10 at Division 9 of the Code files a notice of intent to file a petition for formal proceedings before the County Planning Commission, and files within these five (5) working days the petition for formal proceedings in accordance with the County Code and the bylaws of the Tallahassee-Leon County Planning Commission.

Mr Chester Lee Craft, Jr.
October 28, 1996

6. The decision in this matter is based on the information presented in the application submitted for review and on findings of the Development Review Technical Staff and is in accordance with the procedural requirements of the Leon County Land Development Code. As such, the approval does not waive any other applicable local, state, or federal requirements.

7. If you have any questions regarding this approval, please contact Greg Skaggs of Development Review at 488-9300.

Sincerely,



Gary W. Johnson, Director
Growth & Environmental Management

cc: Michael Clark, Concurrency Management Section
Karen Kebart, Environmental Specialist
Alex Mahon, Environmental Manager, Leon County Public Health Unit
Tony Park, Director of Engineering Services
Jean Gregory, Acting Land Use Administrator, TLCPD
Mark Stamps, Development Coordinator, Talquin Electric Cooperative, Inc.
John Pellino, Utilities Support Services, City of Tallahassee
Gil Backenstoss, Development Review Administrator